

In Defense of Journalistic Paternalism

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Theory is the bedrock of our enterprise as scholars concerned with journalism's role in public life. For Christians (2008), "the long-term future of the field depends on the language of theory, not as an abstract authority but to assist us in thinking more systematically about the major league issues we face together" (p. 5). Our ability to theorize hinges on clarity over concepts; this is perhaps of particular importance to normative theory, concerning impactful issues such as how we organize and conduct ourselves, the relationships we have with one another, and the rights and responsibilities we bear both in terms of our common humanity and because of the particular roles we occupy.

The goal of this essay is to introduce *paternalism* into our theoretical lexicon and defend it as a normatively positive concept. The term is perhaps best known through its semi-frequent invocation in debates about government regulation, raising questions about the purview of the state relative to the individual (Cornell, 2015). Such discourse often positions paternalism as a *prime facie* wrong, possessing undesirable connotations of a "nanny state" presuming to know what is best for us. The concept has also been used in recent journalism scholarship, albeit as a shallowly theorized bogeyman out-of-step with the current vogues of participatory journalism and "democratized" processes of media production. Within journalism ethics scholarship specifically, paternalism is subject to critique but is rarely afforded sustained explication as a substantive concept in its own right.

Given the above, why paternalism? There is a growing body of literature in applied ethics and political philosophy that takes paternalism seriously as a normatively positive concept. This vigorous discussion is illustrative of how paternalism represents "an important realm of applied

ethics” (Dworkin, 2014, para. 8). I want to bring this conversation into our field, connecting debates about paternalism with our current discourse as media ethicists about the responsibilities of journalists in a democracy, which ought to be the bedrock of media ethics theorizing (Allen & Hindman, 2014). I want to rescue paternalism from criticism and ignorance and take it seriously as a concept that can add much to our theorizing about journalism ethics. There are, I maintain, meaningful synergies between theorizing about paternalism and our theorizing in media ethics. If our discussions of paternalism henceforth can come from a place of shared reference, our field will be richer for it. Simply, I believe it possible to establish fruitful ways of thinking about paternalism that ought not inspire fear or scorn.

The structure of this essay is as follows. First, in order to contextualize the occasion for this argument, I outline some of the explicit and implicit objections to paternalism in recent scholarship in journalism studies generally, and journalism ethics specifically. Second, I turn to the fundamental normative objections to paternalism, outlined principally by Immanuel Kant and John Stuart Mill, on the grounds that paternalism undermines human autonomy and claims to human rationality. Third, I explicate paternalism, discussing recent scholarship in applied ethics and political philosophy to provide a rounded account of its contours. Fourth, I apply paternalism to journalism by drawing on recent scholarship on paternalism. Specifically, I discuss: how the notion of “bounded rationality” that questions the liberal tradition’s emphasis on autonomy underpinned by human rationality calls for a more analytical form of journalism; how the concept of “nudging” citizens toward welfare-enhancing outcomes through “choice architecture” (Sunstein, 2014; Thaler & Sunstein, 2003, 2008) is complimentary to journalists’ democratic functions; and how the shift in emphasis away from autonomy toward opportunity and civic equality is theoretically synergistic with virtue ethics and its associated concepts of flourishing

and goods, as discussed by Borden (2010) and Ward (2011). I conclude with some final comments about paternalism and its implications for journalism.

Journalistic Paternalism: The Contemporary Critique

A major work on normative theory argues that the citizen participation represents the underlying conception of the good in our present epoch (Christians, Glasser, McQuail, Nordenstreng, & White, 2009). The citizen participation paradigm emphasizes the “bottom-up” nature of public life, characterized by the empowerment of citizens to harness processes of technological change to create their own media and subvert or bypass the existing media structure. The underlying logic of the citizen participation tradition holds “that the media belong to the people,” and fulfills “an emancipatory, expressive, and critical purpose” (Christians et al., 2009, p. 25). Reflecting this, the embrace of participatory journalism in recent scholarship in journalism studies is emblematic of a broader embrace of the promises of digital technologies to inspire a democratic awakening and draw more citizens into the workings of journalism. The aspiration of scholars working in this field is that citizens can harness software like blogs, wikis, video-sharing sites, and social networking sites and hardware like the cellphone, to participate in the process of newsmaking and thus collapse the boundaries between journalist and audience (Borger, van Hoof, Costera Meijer, & Sanders, 2013).

Journalism scholars have invoked paternalism to characterize the “changing of the guard,” so to speak, as an “old” media system characterized by hierarchies, closure, and control gives way to a “new” media system characterized by participation, openness, and fluidity. Bardoel and Deuze (2001), for example, discuss how “the shift in the relationship between supplier and user to the advantage of the latter changes the old, paternalistic relationship into a new, more pragmatic arrangement and leads to a new emancipation of the information user” (p.

101). Anderson (2011) mentions how journalism's "somewhat paternalistic vision of its audience [has] historically served to blunt the impact of whatever limited audience measurement technologies might influence news production" (p. 554). Brants and Voltmer (2011) write of journalists taking "the needs and interests of their audiences more seriously," which means "the disappearance of journalistic paternalism should be welcome" (p. 7), while Skovsgaard and van Dalen (2013) argue that journalists ought to take "a more open, citizen-oriented focus rather than [a] closed, paternalistic approach" (p. 376).

Criticisms of paternalism (or a form of it) are implicit in scholarship that emphasizes the "democratization of media production" (Lewis, Kaufhold, & Lasorsa, 2010, p. 164) and popular works whose titles reveal their normative inclinations, such as *We the Media* (Gillmor, 2004) and *We're All Journalists Now* (Gant, 2007). Such works emphasize how "the news is no longer the sole purview of the press" (Robinson, 2007, p. 318) and the maligned "we write, you read" (Deuze, 2003, p. 220) model, characterized by "media imposing the content on users whose only option is to consume or not to consume the news" (Karlsson & Strömbäck, 2010, p. 4) is consigned to history.

Considered in the aggregate, both implicit and explicit critiques pivot away from the idea of journalists paternalistically presuming to know what is in the best interests of the public, contrasting the rhetorical violence of imposition with a liberalized utopia of choice. Of concern here is that these arguments valorize transformations that at least ought to be questioned, if not resisted outright. The normative logic of neoliberalism (see, e.g., Harvey, 2005) centers on decentralization, deinstitutionalization, and the flattening of hierarchies, theorizing society as a constellation of autonomous, unencumbered, and disarticulated individuals capable of consistently and precisely determining their own interests and exercising rational choice to

maximize them. That the balkanizing tendencies of neoliberalism seem to be reflected in the aforementioned arguments is troubling and deserves further reflection. The particular concern here, however, is what this means for the concept of paternalism, which is regularly invoked but irregularly explicated.

Within the journalism ethics literature, scholars have discussed paternalism but generally positioned it as an undesirable concept. Plaisance (2013a), for example, discusses the importance of journalists making decisions about the public interest “without being paternalistic and condescending – without assuming that they know best what their audience need even if people object” (p. 125). Similarly, Borden (2010) describes paternalism as “condescending to others by making choices for them” (p. 112). Stoker and Tusinski (2006), though writing about public relations, caution against a “paternalistic approach to communication” characterized by an “elite father” and “noble disciple” (p. 166), invoking paternalism’s gendered and hierarchical implications. A more favorable account comes from Vanacker and Breslin (2006), who associate paternalism with feminist care ethics, which “assumes that the best decision for the care recipient emerges from the dual relationship between caregiver and receiver” (p. 209). However, this account does not go on to argue explicitly for paternalism as a normatively positive concept.

Within the journalism ethics literature, then, paternalism is rarely explicated as a substantive concept in its own right, meriting scrutiny as a concept with the potential to add to our theoretical lexicon. However, if we look at the literature from other realms of applied ethics and political philosophy, there is a lively discussion about paternalism and its contours and contexts, from which there is much we can learn. However, if paternalism is to be defended, it must first be defined. The next section outlines the particulars of paternalism and addresses how paternalism challenges the liberal philosophical traditions strident emphasis on rationality and

autonomy. Thus, the next section answers the questions: What is this thing called paternalism, anyway? And what is all the fuss about?

Origins and Objections

Etymologically, paternalism is derived from the Latin *pater*, meaning father, indicating a parental – and specifically father-child – relationship.¹ The term was first used in the nineteenth century as “an implied critique predicated on the inherent value of personal liberty and autonomy, positions elegantly outlined by Kant in 1785 and Mill in 1859” (Thompson, 2008, p. 1574). Paternalism, then, was introduced into the lexicon as a normatively negative term, deployed as a means of delineating an argument for autonomy, with its development as a concept and normative proposition in its own right much later. It is perhaps unsurprising, therefore, that paternalism tends to be viewed as “intrinsically normatively negative” (Bullock, 2015, p. 3) in much of the discourse around the topic. Later efforts to outline paternalism’s conceptual properties and present a compelling case for its merits have had to swim against this tide (Ben-Porath, 2010). The objections to paternalism are part of its history and woven into its conceptual DNA, so to speak. Therefore, it is logical to begin with discussion of Kant and Mill before we can focus our discussion on the conceptual properties of paternalism in its own right.

Kant’s deontological approach is centered on the capacity of humans for rational thought and the ability to act on the basis of reason. Kant’s conception of rational agency underpins his

¹ This, of course, has gendered implications, as it locates familial authority specifically in the father. I intend no such implications by my use of the concept, which is born out of convenience and clarity, given that it is the established term in the literature. To be clear, there is no connection present, suggested, or desired between “paternalism” and “patriarchalism.” These concerns are summarized by Kleinig (1984): “This is not merely because it locates *de jure* familial authority in the father, but also because it obscures the *de facto* (though unrecognized and unrewarded) childrearing authority that generally resides in the mother. Perhaps we should... speak instead of “maternalism”... But there is more to be said for talking of “parentalism,” an option taken up by one or two writers, and toward which I am attracted. I have chosen nevertheless to bow to convention, not through some desire to perpetuate the sexist environment from which it comes, but for reasons of convenience. The general sense of the traditional term remains clear, some of the confusion caused by a terminological switch is avoided, and given the generally derogatory associations that the term has for most users, its continued use is not likely to advance the cause of sexism” (p. xiii).

emphasis on human dignity, for it is on the basis that individuals are self-possessed moral agents that they are capable of making decisions for themselves without external interference. It is in their rationality that humans are autonomous; this makes humans of intrinsic worth as directors of their own life-projects. This is key to Kant's moral enterprise, conceiving as he does of morality as "deriving from reason and of people being in charge of their moral destiny" (Le Grand & New, 2015, p. 106). This is underscored in Kant's categorical imperative, one formulation of which commands us to "act as to treat humanity... in every case as an end withal, never as means only" (Kant, 1785, p. 56). From this perspective, to treat another human as a means to ends they have played no hand in deciding undermines their dignity and violates the categorical imperative. Treating others as ends in themselves affords them the respect of our shared humanity.

John Stuart Mill's *On Liberty* (1859) outlines a framework calling for limits on the powers that the state can use over the individual, and the majority over a minority within a society. Mill grounds his arguments in autonomy, holding that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, it to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant" (p. 22). This is the essence of Mill's harm principle, holding that interference in the affairs of another is justifiable only if harm can come to a third party. Mill venerates "framing the plan of our life to suit our own character... without impediment from our fellow-creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong" (pp. 26-27). Mill held that individuals were the best judges of their own interests, as they knew more about themselves than any external agent could. Because they know their own interests, they will generally make wise decisions, for "it is the privilege and proper condition of

a human being arrived at the maturity of his faculties, to use and interpret experience in his own way” (p. 104). Individuals ought to be allowed to err; to interfere with their decision-making processes, even when that interference may objectively improve his or her condition, is to rob them of their autonomy. Mill, for example, wrote of how “over himself, over his own body and mind, the individual is sovereign” (p. 22) and that “all errors which the individual is likely to commit against advice and warning are far outweighed by the evil of allowing others to constrain him to what they deem his good” (pp. 137-138). For Mill, “with respect to his own feelings and circumstances, the ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by anyone else” (p. 137).

Demonstrating consequentialist reasoning, Mill (1859) describes it as necessary to nurture “the human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference” (p. 105) and as “quite the chief ingredient of individual and social progress” (p. 102). For Mill, autonomy relates to intellectual, dispositional, and emotional capacities, where human capacity for “creativity, aesthetic and emotional sensitivity, self-control, initiative and foresight, independence, judiciousness, [and] moral and religious discrimination” are autonomy-derived traits that define us as humans and separate us from other species (Kleinig, 1984, p. 25). The positive consequences of prioritizing individual autonomy are bountiful for both the individual and their sense of self, and society at large.

Kant and Mill’s aggregated arguments provide powerful testimony in favor of autonomy underpinned by human rationality. Autonomy becomes sacrosanct, elevated over other goods such as the benevolence that may prompt a paternalistic intervention, or the welfare-enhancing outcomes of such an intervention. Acting on behalf of another – presuming to be better able to ascertain their interests than they – is to treat that individual as “merely an instrument... and not

as a project-maker in his own right” (Kleinig, 1984, p. 68) by robbing them of the good central to life’s meaning that is found in autonomy.

However, as subsequent philosophers have noted, both Kant and Mill provide scope for *some* particularized paternalistic intervention. For example, in his discussion of suicide intervention, Cholbi (2013) notes that “by making liberty the handmaid of rational autonomy, the Kantian opens the door to justifiable paternalism” (p. 116). Cholbi argues, “some interferences with individual liberty can help us achieve our rationally chosen ends instead of thwarting them” (p. 116). Specifically, paternalistic interventions can be justified on Kantian grounds if “we stand a reasonable chance of preventing [the agent] from performing actions she chose due to distorted reasoning and which would result in that agent’s rationally chosen ends not being as fully realized as they would have been had she so acted” (p. 118).

As for Mill, while he is correctly regarded as one of the principle theorists in stressing the import of autonomy, he excepted selling oneself into slavery as an example whereby paternalistic intervention by a third party was permissible. In his argument against conscripting oneself into servitude, Mill noted that in doing so, an individual “abdicates his liberty” and “foregoes any future use of it beyond that single act. He therefore defeats, in his own case, the very purpose which is the justification of allowing him to dispose of himself” (Mill, 1859, p. 184). Mill thus carves out an exception on the basis that restrictions on an individual’s autonomy in the short term are desirable if they protect or enhance their autonomy in the long term. Put differently, “we may be justified in interfering with someone’s autonomy to prevent her from having less autonomy in the future” (Le Grand & New, 2015, pp. 126–127).

These exceptions notwithstanding, Kant and Mill’s arguments provide the strongest case against paternalism and the backdrop against which advocates of paternalism must struggle

(Ben-Porath, 2010). The default assumption that guides much of the general debate around paternalism proceeds from the assumption that “human beings are best capable of determining and pursuing what is in their own interest” (Thompson, 2008, p. 1576). Paternalism is seemingly placed on the defensive because it not only questions this core assumption but then proceeds to trample on the autonomy that the assumption bequeaths. This superseding of judgment is found in pejorative definitions of paternalism as “a special relation between two people, one of whom looks down on the other as incompetent to manage his affairs” (Buckley, 2009, p. 19), predicated on the assumption “that the subject does not know what is in her interest or what is good for her” (Rostboll, 2005, p. 383). Indeed, the etymology of paternalism invokes the inescapable power dynamic of the father-son dyad that, for paternalism’s critics, needlessly infantilizes the paternalized, treating them as incapable agents of their own life-plan. For Cornell (2015), the problem with paternalism is that, simply, it “expresses something insulting” (p. 1315). However, we have not yet arrived at a clear understanding of what paternalism actually is. The next section moves us further along that path.

Definitions and Conceptual Properties

Following Mill, there followed “several decades of relative silence about paternalism” in ethical and political philosophy (Thompson, 2008, p. 1575), until the concept was revived by Gerald Dworkin (1971) in a seminal essay that was the first to take paternalism seriously as a concept in its own right and provide a working definition and explication of its properties. Dworkin defined paternalism as “the interference with a person’s liberty of action justified by reasons referring exclusively to the welfare, good, happiness, needs, interests, or values of the person being coerced” (p. 108). There are three criteria that constitute paternalism under Dworkin’s rubric: Interference (an intervention, broadly conceived, in the subject’s capacity to

choose for themselves); Coercion (whereby the subject does not consent to the interference or have a say in its nature); and Benevolence (whereby the interference is conducted with benevolent intent).

Subsequent scholars in applied ethics and political philosophy have expanded upon Dworkin's work, generating a lively body of literature but one marred by a general lack of agreement on a clear definition of what constitutes paternalism (Le Grand & New, 2015). For example, scholars have offered an expansive view of what "interference" can constitute, moving beyond simply freedom of action to incorporate freedom of information (Buchanan, 1978). Such interference may be found in acts, omissions, diminished opportunities to choose, and substitutions of judgment (Bullock, 2015; Clarke, 2002; Le Grand & New, 2015).

The benevolence condition is a reminder that paternalism is inherently relational and concerns how we treat people. When we engage in paternalistic conduct, we interfere with their autonomy for benevolent reasons. Any such paternalistic action, then, cannot be understood as an action alone but an action motivated by reasons born of that relationship. For Grill (2007), "the normative core of paternalism is the invocation of the good of a person as a reason for interference with her" (p. 441).

Drawing these works together, one is drawn to a definition of paternalism that addresses the manifold dimensions of paternalistic interventions and the contexts in which they occur. Therefore, Clarke's (2002) definition of paternalism as any action that "aims to close an option that would otherwise be open... in order to promote [the paternalized's] good" (p. 89) seems particularly useful to this end, given its broad applicability to areas such as journalism, which does not intrude directly upon liberty of action but provides the interpretive framework for decision-making, which Thaler and Sunstein (2003, 2008) describe as "choice architecture.

Beyond these core criteria, scholars have differentiated between different types of, and contexts for, paternalism. Some key distinctions are between paternalism as broad or narrow, hard or soft, strong or weak, negative or positive, and moral- or welfare-oriented.

The question of broad versus narrow paternalism concerns the paternalist. *Narrow* paternalism strictly concerns state coercion (Dworkin, 2014). Indeed, much of the early literature on paternalism concerned the state and the extent to which it could compel or punish conduct on paternalistic grounds (Kleinig, 1984). On the other hand, *broad* paternalism, as one might guess, concerns an array of actors and institutions beyond the state. As illustrated by the ample literature from applied ethics, such actors may include teachers and school administrators (Ben-Porath, 2010), researchers (Jansen & Wall, 2009) and healthcare professionals (Buchanan, 1978).

Soft and hard paternalism concern the issue of agent autonomy. *Hard* paternalism is characterized by a concern for the safety and welfare of a person that advocates restrictions on liberty above their objections, even when the person “is fully cognizant of his or her actions and their consequences” (Thompson, 2008, p. 1575). *Soft* paternalism, on the other hand, is concerned with protecting and enhancing the autonomy of individuals, “justifying restriction of liberty only to ascertain whether the person in question were indeed choosing to harm or endanger himself or herself with full volition and knowledge of the facts” (Thompson, 2008, p. 1575). Put another way, soft paternalism occurs when the paternalist suspects the rationality of individuals is in question, or when their capacity for rational processing is compromised (Sunstein, 2014; Thaler & Sunstein, 2003, 2008). In similar fashion, weak and strong paternalism concerns the relationship between means and ends. *Weak* paternalism holds “that it is legitimate to interfere with the means that agents choose to achieve their ends, if those means are likely to defeat those ends,” while *strong* paternalism “believes that people may have mistaken, confused

or irrational ends and it is legitimate to interfere to prevent them from achieving those ends” (Dworkin, 2014, para. 25).

Negative and *positive* paternalism concerns the distinctions between interventions to prevent harm and interventions to promote good. Le Grand and New (2015) use the example of seat belt laws as a form of negative paternalism and subsidies for leisure facilities as a form of positive paternalism. The underlying distinction here is between paternalism as non-maleficence versus paternalism as beneficence.

Finally, moral and welfare paternalism differ on the nature of the good or harm yielded. Whereas *moral* welfare is concerned with the moral wellbeing of the person and their character, *welfare* paternalism is concerned more broadly with maximizing the opportunities to improve an individual’s circumstance (Dworkin, 2014). Le Grand and New (2015) define moral paternalism as the prevention of “moral harm,” which excludes “physical, psychological, and economic harm” (p. 35), which would be considered the preserve and priority of welfare paternalism.

How might this pertain to journalism? Clearly, journalism can be categorized as a kind of broad paternalism, given that it involves non-state actors. My specific concern is for a journalistic paternalism that is *soft*, in the sense that it intervenes to provide a “choice architecture” to audiences whose decision-making is compromised (Sunstein, 2014; Thaler & Sunstein, 2003, 2008); *weak* inasmuch as it intervenes to achieve the ends of citizens flourishing as whole persons in a democracy; *positive* in the sense that journalists act to promote welfare-enhancing outcomes; and *welfare-oriented* rather than moralistic, inasmuch that it aims to provide citizens with the tools they need to self-govern. Of course, these preliminaries require further expansion. In the next section, I draw on recent work in applied ethics and political philosophy to put flesh on these proverbial bones.

Applying Paternalism to Journalism

This section applied the general principles outlined above to journalism, illustrating how paternalism can be a useful lens for conceiving of journalism. First, I discuss empirical research from behavioral economics that posits that we exist in a state of “bounded rationality” where our capacity for rational thought is compromised, calling for a journalism that creates the conditions for analytical processing. Second, I discuss how the concepts of “nudges” and “choice architecture” (Sunstein, 2014; Thaler & Sunstein, 2003, 2008) can inform our understanding of a journalistic paternalism that is non-coercive yet guides audiences toward welfare-enhancing outcomes. Third, I outline how the aspirations of paternalism are synergistic with those of virtue ethics, which has been the subject of renewed interest in media ethics scholarship recently (see, e.g., Borden, 2010; Craig, 2011; Plaisance, 2013b; Ward, 2011). Drawing primarily on the work of Sigal Ben-Porath (2010), I discuss how paternalism shifts the focus away from autonomy toward the expansion of opportunity and civic equality. Accordingly, I suggest that these aspirations should constitute part of journalism’s *telos*.

From Rationality to Bounded Rationality

For Kant, our autonomy is underpinned by our rationality. It is our capacity for rational thought that distinguishes us as humans and makes us worthy of respect. This point about human rationality – the crux of the argument against paternalism’s alleged autonomy-threatening instincts – is an empirical claim, and one that has been investigated by behavioral economists. Their insights have informed subsequent normative theorizing by advocates of paternalism. It ought not be controversial to suggest that we are not capable of consistently and precisely determining, and acting upon, our best interests as a result of the range of confounding variables

that interfere with our ability to do so. In fact, this is a plainly sensible proposition, supported by ample empirical research.

Paternalists hold that people are neither inherently rational nor irrational but, rather, that they operate under *bounded rationality*, a term that stems from the work of political scientist Herbert Simon and was extended by Daniel Kahneman and Amos Tversky, key figures in the development of behavioral economics (for a summary, see Kahneman, 2011). Behavioral economics emerged largely as an attempt to empirically test the normative belief in human rationality. The findings of these scholars and others offers as its core premise that humans are not optimal, in the sense that our rationality and therefore capacity for optimal decision-making is constrained by limited information, cognitive capacity, and time. Bounded rationality acknowledges that people have to make decisions on matters of extraordinary complexity under conditions that are frequently less than optimal.

These limitations indicate that the agent has difficulty consistently and precisely locating their goals, given their insufficient ability to do so. They instead rely heuristics, intuition, and emotion to make decisions (Kahneman, 2011). Empirical research finds, for example, that we select on the basis of cognitive *ease*, as indicated in empirical research showing that, in the absence of factual knowledge, people preferred statements constructed in simpler and more memorable language when faced with choices between false statements (Kahneman, 2011). Research also indicates our short supply of attention means we tend to disregard information unless and until it is made *salient* to us (Sunstein, 2014).

Decades of empirical research has led Kahneman (2011) to conclude that the human brain possesses two “cognitive systems.” The first is fast, automatic, and impulsive, relying on emotion, intuition, and “gut feeling.” The second is slow, deliberative, and reflective, requiring

greater cognitive energy and intervening when the first system's instincts run against the individual's decision-making rules. System 1 deals with situations when there is little time for deliberation, necessitating an immediate response, while System 2 deals with long-term planning, prompting conscious, controlled effort. Kahneman finds that System 1 is often our default, while System 2 intervenes when necessitated by circumstance. For situations necessitating immediate action, the intuitive system is clearly preferable. On the other hand, for situations requiring a sober examination of available options, the analytical system is preferred.

Reflecting on the empirical work of Kahneman and others, Sunstein (2014) argues that “often because of System 1, people err. We need to strengthen the hand of System 2 by promoting self-control, reducing unrealistic optimism, unshrouding attributes, counteracting biases, and eliminating an undue focus on the short term” (p. 154). The goal of paternalism is to create the conditions for analytical processing, steering the subject toward analytical thinking. Put another way, paternalism attempts to create architecture that allows for more light and less heat in cognitive processing.²

What might this mean for journalism? Certainly it suggests that we need a cooler journalism that allows for System 2 processing. Journalism organizations should consider the preponderance of conflict-driven reporting and partisan commentary and whether this allows for analytical thinking. The nonprofit news organization *Voice of San Diego*, by way of illustration, counsels its reporters to “bring us the implications, not the event.” A deeper meaning to news is sought.

² None of the above is to afford some kind of superhuman privilege to journalists and claim they are immune from bounded rationality while everyday citizens are not. Journalists, however, have role-derived responsibilities that the ordinary citizen does not, training that the ordinary citizen does not, and access to various forms of capital (economic, social, political, cultural) that the ordinary citizen does not. Moreover, the concern of this body of work is on the reception, rather than transmission, side of the communication dynamic.

Perhaps an analytic, explanatory journalism is one way forward. Drawing on the empirical research on cognition, journalists ought to commit themselves to presenting information in a manner that creates the conditions for System 2 processing yet acknowledging that cognitive processes are shaped by ease of retrieval and salience. The recent trend of “explanatory journalism” as pioneered by outlets like *Vox* is notable. Launched by former *Washington Post* reporter Ezra Klein in April 2014, *Vox* uses “card stacks” to accompany each article that provides readers with regularly updated context, history, and definitions on a given topic. Such context is presented in an easily navigable way without detracting from the readability of the main article. *Vox*’s chatty, lively style and easily navigable design emphasizes that analysis need not be dreary.

There are other creative options available to journalism. The use of “listicles” (a portmanteau of “list” and “article”) – short-form writing on thematic, ranked, or chronological criteria (as especially pioneered by organizations like *BuzzFeed*) – may be another avenue. Klein was a notable pioneer of the listicle format as a writer for the *Washington Post*, such as an article on “10 things that could go very wrong if we attack Syria” (Klein, 2013). The article is rich on content but presented in the kind of style and tone that explains without either pandering or patronizing. This kind of creative explanation keeps journalism’s core mission in mind while being nimble in adapting to the cognitive needs of audiences. The cold, disengaged style that characterizes conventional journalism may need to give way a more conversational, intimate style that might engage audiences better, make issues salient, and allow for Track 2 processing. The strictures of AP style need not define the kind of journalism we need to make people passionate about journalism and democracy.

From Interference and Coercion to Nudges and Choice Architecture

Paternalism has, it must be conceded, acquired a problematic vocabulary. A concept that revolves around such terminology as “interference,” “interventions,” and “coercion” is admittedly unlikely to win admirers even with a favorable audience. Cass Sunstein and Richard Thaler, two figures pivotal to recent discussions about paternalism, draw heavily on the empirical insights of behavioral economics to argue for a soft/weak conception of paternalism centered around the notion of “nudges” (Sunstein, 2014; Thaler & Sunstein, 2003, 2008). This is more than just an exercise in semantics or an attempt to reframe the argument; nudges represent a specific form of paternalism that need not be direct or coercive. Rather, it advocates that paternalists devise “initiatives that maintain freedom of choice while also steering people’s decisions in the right directions” (Sunstein, 2014, p. 17). Individuals should be nudged toward welfare-enhancing outcomes by arranging their choices such that they will do what achieves the ends of making them flourish. Examples may include arranging a cafeteria such that healthy food is more visible or accessible than unhealthy food or arranging employee retirement or benefit programs to be opt-out rather than opt-in are examples of nudges. In such cases, freedom of choice, and thus autonomy, is preserved. The goal is “influencing the choices of affected parties in a way that will make those parties better off” (Thaler & Sunstein, 2003, p. 175). Following the semantic logic, a nudge can be contrasted with a “shove,” which would constitute a kind of hard paternalism that would restrict autonomy (Thaler & Sunstein, 2008).

Associated with this is the notion of “choice architecture.” Choice architecture constructs the horizons of possibility for us. It is, as Sunstein (2014) notes, inevitable that choices will be structured a particular way – the normative question at stake is a matter of *how* those choices are structured. It follows, therefore, for paternalists that those choices should be structured in the most welfare-enhancing manner possible. Paternalistic “choice architects,” therefore, strive to

construct the choices available to citizens in a manner that bolsters their welfare and their ability to flourish. For Thaler and Sunstein (2008), “a good system of choice architecture helps people improve their ability to map and hence to select options that will make them better off” (p. 94). This is wholly concomitant to what we could expect of journalists in a democracy. We could therefore accept it as reasonable for journalists to function as “choice architects” arranging the news horizon to democracy-enhancing ends. The concept of “nudges” removes the rhetorical violence of imposition and replaces it with one centered on benevolence, while ultimately respecting the autonomy of the audience member to do with that information what they will.

The normative question at issue here, therefore, is not whether journalists have a role to play in constructing the choice architecture. At its most basic level, journalism is a series of choices about what to cover and how. The key question lies in *the normative value of the architecture provided*. For Sunstein (2014), “a key question is whether the choice architecture is helpful and simple, or harmful, complex, and exploitative” (p. 15). We could ask the same questions of journalism. In assessing journalistic performance, we ought to ask whether the provided choice architecture – the journalism, in other words – is “helpful and simple” or whether it is “harmful, complex, and exploitative.”

This yardstick neatly aligns with what we expect of journalism in a democracy. Allen and Hindman (2014) argue that democracy ought to be the wellspring from which journalistic ethics are extrapolated and that normative evaluations of journalistic performance must address “what role the press – as an institution within a democratic system – ought to play in society” (p. 185). Discussing government paternalism, Cornell (2015) writes that “the permissibility of a policy will often depend on whether it coheres with a democratic state-citizen relationship or a hierarchical power dynamic between the governing and the governed” (p. 1335). This means,

therefore, that the justification for journalistic paternalism ultimately lies in the extent to which it coheres with the functions journalism plays – and *must* play – in the maintenance of a self-governing society. Put simply, does journalism nudge citizens toward democracy-enhancing outcomes or not? Rather than dismiss paternalism outright, we need to consider journalistic paternalism in the context of journalism’s democratic functions.

This may also invite further consideration of transparency as a journalistic norm. Paternalists recognize the need for “a heavy and clear burden of proof” in order to “demonstrate the exact nature of the harmful effects (or beneficial consequences) to be avoided (or achieved) and the probability of their occurrence” (Dworkin, 1971, p. 126). Paternalistic actors ought to demonstrate their respect for persons and treat them as ends rather than means by publicly explaining their decision-making. Explaining to audiences the rationale for journalistic decisions and priorities, backed by empirical data whenever possible, can only serve to bolster journalistic credibility and paternalistic authority.

From Autonomy to Opportunity and Civic Equality

The growing interest in virtue ethics in our field, inspired largely by Alasdair MacIntyre’s *After Virtue* (1984) and his elaboration on *practices*, represents an important development in our theorizing. It shifts our attention to the kind of goods journalism provides and facilitates in a democracy, with particular attention to its capacity for creating the conditions for human flourishing or *eudaimonia*. MacIntyre sought to revive an Aristotelian and teleological (goal-based) understanding of ethics at a time when the hold of liberalism seemed hegemonic. MacIntyre was concerned by the liberal tradition’s over-emphasis on autonomy (and resultant under-emphasis on community) at a time when the corrosive effects of capitalism were at its most pernicious, moving society away from the common good through the valorization of

material acquisition and moral relativism. This is particularly pertinent in our present, neoliberal times (Harvey, 2005).

Other scholars have ably summarized MacIntyre's work and its application to journalism (see, e.g., Borden, 2010; Craig, 2011) and in the interests of space I will not regurgitate these summaries here. An implicit part of my argument is the need for journalism to remain a "form of socially established cooperative human activity" (MacIntyre, 1984, p. 175). This is to say that the deinstitutionalized version of journalism preferred by digital utopians is unlikely to achieve the kind of internal goods that an institutionalized version of journalism can. The focus should surely be on ascertaining a structure that allows for a robust, "socially established" journalism to continue fulfilling its democratic functions.

Borden (2010) argues that understanding journalism as a practice provides "a useful framework for thinking about journalism as a cooperative endeavor guided by a sense of moral purpose" (p. 21). The agent-relative nature of practices is important because it "suggests that the way to understand ethics is in terms of pursuing a *telos*, that is, the good of a whole human life; the *telos* hinges partly on doing one's role-related work well" (Borden, 2010, p. 16), and the *telos* of journalism is inextricably linked to its functions in a democracy. The critique of journalistic paternalism implicitly suggests that such "role-related work" ought to be dispersed widely. However, the very nature of a role implies a measure of uniqueness, in terms of accepting particular role-relative responsibilities that distinguish the bearer from others. This then becomes tautological: if a role is dispersed – indeed, if a role is universalized – it ceases to be a role and lacks the moral justification that accompanies it. It becomes, instead, a decentralized free-for-all.

The concept of human flourishing, or *eudaimonia*, is central to virtue ethics. Broadly, it means making the most of your talents in the pursuit of excellence in your practice to create the

conditions for ultimate human happiness. Virtue ethics calls us to live well and do so in a manner that helps others to flourish in addition; it calls journalists to “embrace the... morally ambitious goal of helping people flourish as human beings” (Borden, 2010, p. 51). Ward (2011) argues for human flourishing as the *telos* of journalism; that is, the goal to which journalism ought to be oriented, articulating the individual, social, political, and ethical goods that constitute necessary aspects of human dignity. For Ward, this demonstrates journalism’s “simultaneous commitment to liberty and equality” (p. 743). The different kinds of goods of life represent a robust conception of the manifold ways in which human potential can be unleashed and “provides a target at which responsible journalism can aim” (Ward, 2011, p. 738).

How, then, does this relate to paternalism? Philosophers of paternalism recognize that the liberal tradition’s all-encompassing emphasis on autonomy does not square with the realities of a society where autonomy is unequally and inequitably distributed, and stratified by circumstances beyond our control. Our autonomy is further limited by the fact that we are prone to undue influence, manipulation, and coercion. A hollow understanding of autonomy neglects ways that we might conceive of our role in relation to others. For Ben-Porath (2010), our understanding of autonomy has become conflated with choice, where the guiding measure of one’s autonomy is the ability to exert choice. As a result, “the normative power of choice overwhelms any empirical input into the question of its role in human society” (p. 15).

Empirical research shows, however, that people want to live purpose-driven lives in order to realize their full potential, not simply exercise choice to maximize pleasure or happiness as part of some reductive utilitarian calculation (Benjamin, Heffetz, Kimball, & Rees-Jones, 2012; Steger, Kashdan, & Oishi, 2008). Adopting a paternalistic orientation means we reframe the conversation to prioritize opportunity. If, as noted, paternalism ultimately embodies relationships

built on nurturance, it calls us to expand the *opportunities* of others so that they may make *meaningful* choices and *expand* their autonomy. Paternalism creates the necessary breathing space for citizens to make meaningful choices rather than exert choice unhindered. It thus becomes a normative goal to “take an active role in equalizing and expanding opportunities rather than leaving it to individuals to make up their life story, under the false pretense that they are doing it as free and equal members of society” (Ben-Porath, 2010, pp. 41–42).

This means that a journalism truly grounded in paternalism is not grounded in the remoteness, elitism, or arrogance that critics of paternalism may decry, but in connection, compassion, and recognition that it is a normative aspiration of journalism to expand the opportunities of citizens so that they may flourish and live the good life. Paternalism commands the moral agent to use their power, talents, and resources to bolster the good of others and recognizes that society functions best not through disaggregation but through social solidarity, where the strong help the weak and the information-rich help the information-poor.

According to Sigal Ben-Porath (2010), paternalism is a necessary part of the realization of civic equality, “a main charge of a democratic society” (p. 19). For Ben-Porath, “civic equality should be understood as tied not only to autonomy and freedom but also to the conditions for wellbeing that are satisfied when appropriate opportunities are presented in the individual’s landscape of choice” (p. 7). Paternalism, then, is an attempt “to improve the circumstances or wellbeing of others while keeping in minds their inferred needs” (p. 20). Ultimately, paternalism “consists of a dedication to advancing the good of individuals, and subsequently supporting their levels of civic equality by designing positive opportunities for them to be equal members of society and to pursue their goals” (p. 25).

At a minimum, this calls for journalists to serve as guides helping citizens reach democratic maturity, providing them with the intellectual armor necessary for political participation. It helps them appreciate an expansive understanding of democracy that does not just mean occasional visits to the ballot box. Moreover, it calls journalists to be guardians of civic equality. Recent years have seen laws passed in the United States curtailing individuals' voting rights on the dubious grounds of voter fraud. This is a clear and present threat to civic equality. At the same time, Supreme Court rulings like *Citizens United v. FEC* have gutted campaign finance reform, mangling American democracy by vastly increasing corporate power over citizens. Being paternalistic in respect to civic equality means adopting a position as a champion of democracy not in a shallow, self-serving sense but in calling the public's attention to those issues where civic equality is under mortal threat. There is much to learn from the public journalism movement of the 1990s, in this regard. The aforementioned *Voice of San Diego* may be one such exemplar, with a mission statement that commits the organization to "increase civic participation by giving residents the knowledge and in-depth analysis necessary to become advocates for good government and social progress" (Voice of San Diego, n.d., para. 6).

Journalists should make the improvement of public life a normative goal, playing a key role in ensuring good governance and the protection of the rights of all. Paternalism calls for a journalism that gives people the tools they need to flourish in a democracy and address those issues that prevent them from doing so. Perhaps we are in need of a journalism-driven "democracy audit," with features, magazine special issues, and documentaries focusing on the state of contemporary American democracy. Such an audit would necessarily be self-reflexive about journalism's own performance in the polity's democratic wellbeing. It is surely preferable for journalism to orient itself to the material world, where democracy is increasingly being

curtailed and citizens' ability to participate *in democracy* is under threat, rather than meander down the blind alley of participation *in journalism*.

At the same time, paternalism emphasizes the responsibilities that we have toward one another. Paternalism calls for "a more robust responsibility of society toward the individual" (Ben-Porath, 2010, p. 9), acknowledging that we need the support of others in order to live the good life. To accept the need for paternalistic institutions is simply to recognize that no one is an island; if we are to flourish, we need the help of others. There is a case to be made, therefore, for the complementarity of paternalism with communitarianism, which holds that we do not exist as isolated atoms but as interdependent, social beings. Both paternalism and communitarianism are set against the thin conception of autonomy that has denied the relational nature of life and stymied recognition of communal interests.

Conclusion

This essay is, in part, an effort to find productive ways of thinking about paternalism that challenge how it's meaning has been fixed (and degraded) by its opponents. Following Bullock (2015), "the mere fact that anti-paternalists have dominated the use of the term does not mean that paternalism should pick out something that is intrinsically morally unacceptable" (p. 5). While there has been a lively and robust conversation about paternalism in other realms of applied ethics and political philosophy, the concept has thus far not been imported into our vernacular as journalism ethicists. Indeed, most of the discourse around paternalism, both within journalism ethics and in journalism studies more generally, has been to situate paternalism as a normatively negative concept. I want to swim against this tide, and maintain that there are fruitful ways of thinking about paternalism that readily comport with our current theorizing about journalism ethics and about the roles we expect journalism to fulfill in a democracy.

Paternalism is a theoretical position worth defending and a practical avenue worth exploring. To be sure, there is more to be done to address how this applies across journalistic contexts and platforms; the arguments here exist to be revised and agitated against. I do not regard this as the final word on journalistic paternalism; rather, I hope it is the first. The most urgent task is to defend paternalism on its merits; as Ben-Porath (2010) notes, winning legitimacy for paternalism in a liberal democracy is a critical prelude to defending specific acts of paternalism. Neither do I claim paternalism as a cure-all; there is much about contemporary journalism that remains vexing, not least how we fund it in light of the gradual collapse of the advertising-based revenue model. Perhaps acceptance of paternalism means we can shift our concern to ascertaining a sustainable structure that makes paternalistic journalism viable.

The opposition to paternalism within journalism is understandably rooted in a resistance to an elite, remote, and arrogant kind of journalism disconnected from audiences. I hope the discussion I have provided here challenges some of our thinking about paternalism so that we rescue this useful concept from derision. Moreover, I simply cannot accept the notion that journalistic paternalism has been one of its key failings in the execution of its democratic functions. If, for example, the failings of journalists in their coverage of the Iraq War or of the build-up to the 2008 global financial crisis teach us anything, it is that journalists were *insufficiently* paternal. Put bluntly, we need more paternalistic journalists, not less.

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